

SCPD POLICY AND LAW COMMITTEE MEETING MINUTES
March 14, 2019
Smyrna Rest Area Conference Room, Smyrna

Members Present: Marge Turner, Co-Chair/DSAAPD; Daniese McMullin-Powell, Co-Chair/ADAPT; Gene Aucott, Easter Seals; Sybil Baker, GACEC; Deb Bradl, DVI; Moni Edgar, UCP-CAP; Kristin Harvey, DDC; Linda Heller, HLADE/SCPD; Jocelyn Langrehr; DOL/DVR; Jim Miller, Polio & Post Polio Support Group; Laura Waterland, DLP; Todd Webb, Chair/SCPD; Kyle Hodges, Support Staff and Jo Singles, Support Staff.

CALL TO ORDER

Marge called the meeting to order at 1:03 pm. Everyone introduced themselves.

ADDITIONS OR DELETIONS TO THE AGENDA

- Legislation (Kyle)

APPROVAL OF MINUTES

Gene made a motion to approve the minutes of January 10, 2019 as submitted. Daniese seconded the motion. The minutes were approved as submitted.

REVIEW OF REGULATIONS AND LEGISLATION

Laura reviewed the DLP Analysis (handout).

Final Regulations

1. Final Department of Education Regulation regarding High School Graduation Requirements and Diplomas, 22 Del. Register of Regulations 762 (March 1, 2019) – Laura made a motion that the Council support the finalized amendment, but raise any concerns about SSPs in its comments on Section 507 (Reg. 763). Daniese seconded the motion. The motion was carried with no one opposing or abstaining. (Regulation 762 and 763 are together.)
2. Final Department of Education Regulation regarding Student Success Planning, 22 Del. Register of Regulations 763 (March 1, 2019) – Laura made a motion that the Council reiterate the importance of ensuring that individualized planning is still occurring; that there is a distinction between providing supports that allow a student to gain exposure to career information versus supports to help a student achieve their particular career goals, and the importance of school districts providing both types of supports; and that school districts ought to be required to disaggregate data to allow the outcomes of students with disabilities to be tracked. Daniese seconded the motion. The motion was carried with no one opposing or abstaining.

Jocelyn commented that she received disaggregated data from the school year 17-18 and it showed all the students with IEPs that started in September and graduated in May or June and how many of them are in Career Pathways. Marge asked if this information was available to the general public and that parents would be interested in seeing this information. Sybil will have Wendy request the information via email. Jocelyn noted that the data does not include the number of students who actually graduated. It would be good to know how many students graduated from Career Pathways vs. other pathways. Marge added that we should advocate that students are served better if it is not working.

3. Final DSS Regulations on CMR Requirements for TANF Recipients, 22 Del. Register of Regulations 773 (March 1, 2019) – After discussion, Laura made a motion that Council continue to raise the issue of accommodations in future comments on proposed amendments. She added that this seems to be a recurring theme. Daniese seconded the motion. The motion was carried with no one opposing or abstaining.
4. Review of DHSS annual grant application for Birth Through Three federal funding under Part C of the IDEA Act. (Notice Del. Register of Reg, March 1, 2019) – Laura made a motion that the Council request the following clarifications:
 - (1) What the State will be doing this year to ensure it can make all assurances next year, and if it is planning on revising and strengthening policies, how the public may offer input.
 - (2) Why no answer is provided to Assurance 4 on page II-13.
 - (3) Why the State has made Assurance 2, based on its answers in other areas of Section II-B.
 - (4) Why some answer choice boxes are blacked out.
 - (5) How Delaware will be funding direct support services, since it is proposing to use significantly less federal dollars to fund them.

Laura commented that there had been discussion about moving the program to DOE. The GACEC will probably be sending a letter to the Governor recommending this. Daniese seconded the motion. The motion was carried with no one opposing or abstaining.

Proposed Regulations

5. Proposed DOE Regulation Regarding Private Business and Trade Schools, 22 Del. Register of Regulations 716 (March 1, 2019). Laura made a motion that no action is required. Daniese seconded the motion. The motion was carried with no one opposing or abstaining.
6. Proposed DOE Regulation Regarding Requirements for Issuance of the Secondary Credential, 22 Del. Register of Regulations 720 (March 1, 2019) – Laura made a motion that no action is required. Deb seconded the motion. The motion was carried with no one opposing or abstaining.
7. Proposed DMMA Regulation on Providing EPSDT Services to Children in IMDs, 22 Del. Reg. 728 (March 1, 2019) – Laura made a motion that Council support these changes to the Medicaid State Plan to formalize this change in Medicaid procedures that is required by federal law, and ensure children in PTRFs have access to all needed medical services. Daniese seconded the motion. The motion was carried with no one opposing or abstaining.

8. Proposed DSS Regulation on Defining Household Income in the Food Supplement Program, 22 Del. Register of Regulations 740 (March 1, 2019) – Laura made a motion that no action is required by the Council. Daniese seconded the motion. The motion was carried with no one opposing or abstaining.
9. Proposed DSS Regulations on CMR Requirements for TANF Recipients, 22 Del. Register of Regulations 744 (March 1, 2019) – Laura made the following motion re: DSSM 3009/ DSSM 3010/DSSM3017.1) that the Council ask for significant revisions to the proposed policy amendments regarding the Contract of Mutual Responsibility. DSS should provide more details on how it will accommodate people with disabilities in developing the CMR and imposing sanctions. The Council also request that DSS case workers be required to verify the reasons for non-compliance before imposing sanctions so that the burden is not only on families to report reasons that may constitute good cause. In addition, DSS should offer clear guidance on what topics case workers must review with TANF recipients when completing a CMR, as well as additional explanation on how it will ensure that TANF recipients' concerns and objections are accounted for when finalizing the contract. The motion was seconded by Daniese. The motion was carried with no one opposing or abstaining. After discussion, Kristen made another motion to request that representation from a diverse group of persons with disabilities are consulted in the development of the draft CMR and the evaluation. Jocelyn seconded the motion. The motion was carried with no one opposing or abstaining.

Proposed Legislation

SB 25: Raising the minimum sale age for tobacco products to individuals over 21 – Laura made a motion that Council advocate for the implementation of proven smoking cessation treatments and services, along with targeted media campaigns that effectively address the challenges people with disabilities may face when attempting to quit using tobacco products. The motion was seconded by Daniese. The motion was carried with no one abstaining, and Marge and Jocelyn opposing. Kyle commented that this legislation was Out of Committee and scheduled to be heard on the Senate Floor and then it was not.

HB 59: Community Transportation Fund Reporting Requirement – Laura made a motion that the Council support this bill because it increases transparency and lets the public see how legislators choose to spend their CTF dollars. Linda made a motion and Daniese seconded the motion with Todd abstaining and no one opposing. Todd will send Rule 12 to Kyle and Laura.

HB 61: Update to Uniform Controlled Substances Act Regarding Benzodiazepines – Laura made a motion that the Council endorse the legislation and share inaccuracies (including chemical diagrams). Daniese seconded the motion. After much discussion, Marge made an amended motion that that we would not take a position on the legislation, but share inaccuracies (including diagrams). Laura seconded the motion. The motion was approved with no one opposing or abstaining.

Legislation

Other Legislative Issues

SB 27: Share the Care Act – Laura made a motion that the Council request that the language for the required confirmation in the agreement between the responsible caregiver and the agency be changed to reflect the fact that most responsible caregivers are not medical professionals and will be relying on information from physicians and medication packaging to assess whether medications are safe and appropriate.

After much discussion, agreement was made that this legislation will be brought to the Full Council meeting on Monday, March 18 for a decision. Marge commented that this legislation would help many people and is a good concept, but suggestions be made to improve the legislation. *(At the March 18th Full Council meeting, a motion was made that the Council would not take a stand. The motion was seconded and approved by the Full Council.)*

SB 28 and SB 29: Increased penalties for unlawfully parking in accessible parking spaces –Kyle stated this information was shared with Senator Delcollo who sponsored these two bills. Senator Delcollo was very receptive to our suggestions and concerns, and wants to meet to discuss further.

OTHER

Todd spoke briefly about grandfathering students who received a certificate before the law changed that now allows students to receive alternative diplomas. This is a barrier for people trying to obtain employment. Laura suggested contacting her office. She added that the Employment First Oversight Commission needs to be made aware that this is a barrier to employment.

ANNOUNCEMENTS

Kyle mentioned information that Jo had forwarded to everyone regarding Medicaid cuts. He suggested everyone review it.

PUBLIC COMMENT

None

ADJOURNMENT

The meeting adjourned at 3:17 pm.

Respectfully submitted,

Jo Singles
Support Staff
policy & law/min 3-14-19